

10/593302

IAP12 Rec'd PCT/PTO 18 SEP 2006

## Written Opinion of the IPEA

## PATENT COOPERATION TREATY

CONFIRMATION

From the:  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:  
Shook Lin & Bok  
1 Robinson Road  
#18-00, AIA Tower  
048542 Singapore

PCT

WRITTEN OPINION OF THE INTERNATIONAL  
PRELIMINARY EXAMINING AUTHORITY  
(PCT Rule 66)

Date of mailing  
(day/month/year) 1 MAR 2006

REPLY DUE within TWO MONTHS  
from the above date of mailing

Applicant's or agent's file reference

JIM/PL/2040553/at **DIGI**

International application No.

**PCT/SG2005/000084**

International filing date (day/month/year)

17 March 2005

Priority date (day/month/year)

17 March 2004

International Patent Classification (IPC) or both national classification and IPC

INT. CL.

**G06F 12/14** (2006.01)**G06K 19/073** (2006.01)**H04L 9/18** (2006.01)

Applicant

DIGISAFE PTE LTD et al

1.  The written opinion established by the International Searching Authority:

is  is not

considered to be a written opinion of the International Preliminary Examining Authority.

2. This **second** (second, etc.) opinion contains indications relating to the following items:

- |                                     |              |  |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I    | Basis of the opinion   |
| <input type="checkbox"/>            | Box No. II   | Priority   |
| <input type="checkbox"/>            | Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability   |
| <input type="checkbox"/>            | Box No. IV   | Lack of unity of invention   |
| <input checked="" type="checkbox"/> | Box No. V    | Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input checked="" type="checkbox"/> | Box No. VI   | Certain documents cited  |
| <input type="checkbox"/>            | Box No. VII  | Certain defects in the international application   |
| <input type="checkbox"/>            | Box No. VIII | Certain observations on the international application  |

3. The applicant is hereby invited to reply to this opinion.

**When?** See the Reply Due date indicated above. However, the Australian Patent Office will not establish the Report before the earlier of (i) a response being filed, or (ii) one month before the Final Date by which the international preliminary examination report must be established. The Report will take into account any response (including amendments) filed before the Report is established.

If no response is filed by 1 month before the Final Date, the international preliminary examination report will be established on the basis of this opinion.

Applicants wishing to have the benefit of a further opinion (if needed) before the report is established should ensure that a response is filed at least 3 months before the Final Date by which the international preliminary examination report must be established.

**How?** By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3.  
For the form and the language of the amendments, see Rules 66.8 and 66.9.

**Also** For an additional opportunity to submit amendments, see Rule 66.4.  
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4bis.  
For an informal communication with the examiner, see Rule 66.6.

4. The FINAL DATE by which the international preliminary report on patentability (Chapter II of the PCT) must be established according to Rule 69.2 is: 17 July 2006

Name and mailing address of the IPEA/AU

AUSTRALIAN PATENT OFFICE  
PO BOX 200, WODEN ACT 2606, AUSTRALIA  
E-mail address: pct@ipaustralia.gov.au  
Facsimile No. (02) 6285 3929

Authorized Officer

**R.W.J. FINZI**

Telephone No. (02) 6283 2213

**WRITTEN OPINION OF THE  
AL PRELIMINARY EXAMINING AUTHORITY**

International application No.

PCT/SG2005/000084

**Box No. I              Basis of the opinion**

1. With regard to the language, this opinion has been established on the basis of:

- The international application in the language in which it was filed:

A translation of the international application into , which is the language of a translation furnished for the purposes of :  
 international search (under Rules 12.3(a) and 23.1 (b))  
 publication of the international application (under Rule 12.4(a))  
 international preliminary examination (Rules 55.2(a) and/or 55.3(a))

2. With regard to the elements of the international application, this opinion has been established on the basis of (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed."*):

the international application as originally filed/furnished

the description: pages 1, 5 - 12 as originally filed/furnished  
pages 2 - 4, received by this Authority on 17 January 2006 with the letter of 17 January 2006  
pages , received by this Authority on with the letter of

the claims: pages , as originally filed/furnished  
pages , as amended (together with any statement) under Article 19,  
pages 13, 14, received by this Authority on 17 January 2006 with the letter of 17 January 2006  
pages , received by this Authority on with the letter of

the drawings: pages 1, 2, as originally filed/furnished  
pages , received by this Authority on with the letter of  
pages , received by this Authority on with the letter of

a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3.  The amendments have resulted in the cancellation of:  
 the description, pages  
 the claims, Nos.  
 the drawings, sheets/figs  
 the sequence listing (*specify*):  
 any table(s) related to the sequence listing (*specify*):

4.  This opinion has been established as if (some of) the amendments had not been made, since they have been considered go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).  
 the description, pages  
 the claims, Nos.  
 the drawings, sheets/figs  
 the sequence listing (*specify*):  
 any table(s) related to the sequence listing (*specify*):

WRITTEN OPINION OF THE  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

International application No.

PCT/SG2005/000084

**Box No. V      Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Claims 1 – 7	YES
	Claims	NO
Inventive step (IS)	Claims 1 – 7	YES
	Claims	NO
Industrial applicability (IA)	Claims 1 - 7	YES
	Claims	NO

**2. Citations and explanations:**

Novelty (N) and Inventive Step (IS):

- D1) US 2002/0188856 A1 (Worby) 12 December 2002
- D2) WO 2001/035193 A1 (INTERNATIONAL BUSINESS MACHINES CORPORATION) 17 May 2001
- D3) US 6199163 B1 (Dumas et al.) 6 March 2001
- D4) EP 911738 A2 (CALLUNA TECHNOLOGY LIMITED) 28 April 1999
- D5) US 2003/0177379 A1 (Hori et al.) 18 September 2003
- D6) WO 2003/012606 A2 (STONEWOOD ELECTRONICS LTD) 13 February 2003
- D7) WO 2000/079392 A1 (FOTONATION, INC) 28 December 2000

None of the citations disclose the invention as claimed. The closest prior art, that of D4, describes a disk drive having an encryption/decryption circuit and security control means. Paragraph 27 discusses user authentication, and states that on power up, the drive is in the disabled state and is placed in the enabled state by inputting a numerical key that acts like a password. The numerical key is authenticated by the encryption hardware on the drive. If the numerical key is valid read/write access to the drive is granted, but if the numerical key is invalid then such access is denied. Consequently, there is no disclosure of the memory being exposed prior to user authentication.

Industrial Applicability (IA):

The claimed invention finds use in the field of data storage and clearly meets the requirements for industrial applicability.

WRITTEN OPINION OF THE  
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International application No.

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**Box No. VI      Certain documents cited**

**1. Certain published documents (Rule 70.10)**

Application No. <u>Patent No.</u>	Publication date <u>(day/month/year)</u>	Filing date <u>(day/month/year)</u>	Priority date (valid claim) <u>(day/month/year)</u>
D1) US 2004/0103288	27 May 2004	27 November 2002	27 November 2002

Claim 6 is not considered to be novel or inventive in light of citation D1, which discloses a method of protecting data in which an encryptor is exposed to an interface only upon successful user authentication. In D1, it is noted that memory area 121 is exposed to the interface at least until user authentication (please refer to paragraph [0037] and Figure 6). If user authentication is successful, then memory area 122 is exposed for the storage of data.

**2. Non-written disclosures (Rule 70.9)**

Kind of non-written disclosure	Date of non-written disclosure <u>(day/month/year)</u>	Date of written disclosure referring to non-written disclosure <u>(day/month/year)</u>